

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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EUCLIDES SOTO, LOUIS A. MARTINEZ,  
JOSE RAMIREZ, CLEMENTE HERNANDEZ,  
CESAR PIZARO, ELISON PENA,  
JUAN COLON, JOSE ORTIZ, RAFAEL TORRES,  
ANGEL BAEZ, ANTONIO MARTINEZ,  
WILFREDO ORTIZ, EULOGIO ORTIZ,  
MIRRAIN MIRANDA, RAFAEL MORENO,  
NELSON ACEVEDO, and  
RAMON RODRIQUEZ,

Plaintiffs,

v.

UNITED STEELWORKERS OF AMERICA,  
LOCAL 421-U, and UNITED STEELWORKERS  
OF AMERICA,

Defendants.

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Civil Action No.  
04-10892-JLT

**OPPOSITION TO PLAINTIFFS'  
MOTION FOR PROPOSED ORDER**

Now come the Defendants United Steel, Paper, and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local Union 421-U (the Local) and United Steel, Paper, and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO/CLC (the International) (collectively, the Union) and hereby file this Opposition to the Plaintiffs' Motion for Proposed Order.

On March 23, 2006, the Union filed a motion and memorandum requesting that the Court strike the portions of the Plaintiffs' Second Amended Complaint relating to new facts and a new legal claim arising under 42 U.S.C. § 1981. The Union further

argued that should the Court not strike the offensive portions of the amended complaint, the Court would have to reopen discovery to allow the Union to take additional discovery relating to allegations occurring within the enlarged statute of limitations period the section 1981 claim would allow. On March 28, 2006, the Plaintiffs filed a brief opposition to the Union's motion, to which the Union replied on March 31, 2006. Now the Plaintiffs have filed the subject motion for a proposed order offering a limited amount of discovery, ostensibly to ameliorate the Union's alternative request that the Court reopen discovery if the amended complaint is not modified in accordance with the Court's order (issued during the March 2, 2006, pretrial conference).

The Plaintiffs' proposed order and suggested compromise are unacceptable because they completely belie the purposes of the Union's motion to strike. As argued in the Union's motion to strike, the offensive portions of the amended complaint must be struck because (1) the Plaintiffs filed such amendments without leave of the Court; (2) the Plaintiffs failed to show good cause for such amendments; and/or (3) the amendments, if allowed, would prejudice the Union and be wasteful of the Court's time and resources. Nothing in the Plaintiffs' current proposal addresses the improprieties of the amended complaint that are noted above. Moreover, should the Court ignore the improprieties in the amended complaint and allow it to stand, the Court cannot prejudice the Union's right to defend itself by limiting discovery in the ways suggested by the Plaintiffs. The Plaintiffs have time and again failed to follow the Rules of Civil Procedure and the Court's orders with regard to the filings in this case, and the Union should not be put in any situation that prejudices its right to defend itself against the baseless allegations levied by the Plaintiffs.

Therefore, for the reasons asserted herein, in the memorandum in support of the Union's motion to strike, and in the Union's reply to the Plaintiffs' opposition thereto, the Union respectfully requests that the Court deny the Plaintiff's current motion and proposed order.

Respectfully submitted,

Dated: April 24, 2006

s/Alfred Gordon

Harold L. Lichten, BBO # 549689  
Alfred Gordon, BBO # 630456  
PYLE, ROME, LICHTEN, EHRENBURG  
& LISS-RIORDAN, P.C.  
18 Tremont St., Ste. 500  
Boston, MA 02108  
(617) 367-7200

Robert Alexander, *pro hac vice*  
BREDHOFF & KAISER, P.L.L.C.  
805 Fifteenth Street, N.W.  
Washington, D.C. 20005-2207  
(202) 842-2600

### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served by electronic filing on the attorneys of record for each party on April 24, 2006, and by U.S. Mail on those who cannot receive electronic filings.

s/Alfred Gordon

Alfred Gordon